IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 1611 of 2006(P)

PETITIONER:

K.J.BABU, AGED 35 YEARS,
S/O.JOSEPH, KAPPUNKAL HOUSE, P.O.PUTHUR,
THONIPPARA, THRISSUR.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

1. THE KERALA STATE FINANCIAL ENTERPRISES
BHADRATHA, MUSEUM ROAD, THRISSUR, REPRESENTED
BY ITS MANAGING DIRECTOR.

2. THE DIRECTOR,
EMPLOYMENT & TRAINING DEPARTMENT,
THIRUVANANTHAPURAM.

3. THE STATE OF KERALA, REPRESENTED BY
ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

4. ANIL, DRIVER OF MANAGING DIRECTOR,
DAILY WAGES DRIVER, HEAD OFFICE KERALA STATE
FINANCIAL ENTERPRISES, MUSEUM ROAD, THRISSUR.

5. RENGITH, DRIVER OF CHAIRMAN, DAILY WAGES
DRIVER, HEAD OFFICE, KERALA STATE FINANCIAL
ENTERPRISES, MUSEUM ROAD, THRISSUR.

6. JOY, DRIVER OF EX-CHAIRMAN, HEAD OFFICE,KERALA STATE
FINANCIAL ENTERPRISES, MUSEUM ROAD,THRISSUR.

7. KANNAN, AGED ABOUT 40 YEARS,
TEA SERVER IN HEAD OFFICE, K.S.F.E. MUSEUM ROAD, THRISSUR.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 1611 of 2006

Dated this the 7th day of February, 2007

JUDGMENT

The petitioner, admittedly, was working as Driver on daily wages. Alleging that some others who were working as Drivers on daily wages have been given the benefit of regularisation of their services, the petitioner made a similar claim. It is contended that the Government had issued orders directing the subordinate authorities to regularise the services of Part-time Sweepers and that benefit can be extended to the petitioner also in the same manner. The case of respondents 4 to 7 is highlighted in support of the contention.

2. Counter affidavit filed by the first respondent shows that the benefit of the Government order is confined to Part-time Sweepers and the petitioner cannot make a claim as of right to get a similar order as he is not a Part-time Sweeper. Claim made on the basis of regularisation of the service of respondents 4 to 7

cannot be a basis for getting orders of regularisation by Drivers or other categories. The benefit is confined to Part-time Sweepers only. Standing counsel for the first respondent submits that respondents 4 to 7 were doing the work of Part-time Sweepers as well as that of Drivers, and therefore, there is no similarity between the petitioner and the respondents 4 to 7. That apart any order passed by the first respondent deviating from the principles formulated by the government in the matter of regularisation of Part-time employees cannot be the foundation for granting reliefs by this Court. It is well settled that equity cannot be claimed to perpetuate illegality. The petitioner is to stand on his own legs and establish that under the provisions of law or orders having the force of law, he is entitled to make a claim for the regularisation of his service. The petitioner having failed in that attempt, is not entitled to the reliefs prayed for. The writ petition, is therefore, dismissed.

K.K.DENESAN, JUDGE

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